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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,200	12/20/2001	Scott E. Hall	US 010680	5717

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EXAMINER

PEZZLO, BENJAMIN A

ART UNIT PAPER NUMBER

3683

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,200

Applicant(s)

HALL ET AL.

Examiner

Benjamin A Pezzlo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-9,11-13,15-18 and 22-26 is/are rejected.
- 7) ☒ Claim(s) 3,5,10,14,19-21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 September 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 6-9, 11-13, 15, 17, 18, and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Huff (US 2819892).

Huff discloses a spring adapted for rotational action including a first member 12 adapted for attachment to an appliance body member 10, the first member having an open center area to permit an appliance driving member to extend freely therethrough, a second member 14 spaced apart from the first member and adapted to receive a driving member 18 (see col. 2 lines 3-5), wherein when the driving member moves through a selected range of movement, the second member rotates in response thereto, and at least two leg members 20 connecting the first and second members, wherein when the driving member moves to an end point of its range of movement, having rotated the second member with the leg members attached thereto, the energy stored in the spring thereby tends to return the spring toward its original position.

Re claim 4, see col. 1 line 29.

Re claim 6, see Fig. 2.

Re claim 7, see col. 1 line 28.

Re claim 8, see col. 2 lines 67-72.

Re claim 9, see arcuate portions 26.

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Re claim 11, see Fig. 1.

Re claim 12, see Fig. 1.

Re claim 13, see Fig. 1 and col. 2 lines 67-72.

Re claim 15, see slots 12, and col. 2 line 2, note further that slots 12 appear to capture the leg members in the width direction only, thus the leg members are allowed to move a short distance to an end of the slot, i.e. the legs spread slightly before twisting.

Re claim 17, see col. 2 lines 32-35.

Re claim 18, see Fig. 1.

Re independent claim 22, note the that the connecting elements located at the bottom of the leg members are formed by the appliance body member 10, note further that Huff discloses an annular base at col. 1 line 61.

Re claim 23, see col. 2 lines 13-15, note that Huff shows seven equally spaced leg members, and thus, meets the limitation of showing three equally space leg members, see also col. 3 line 18, "a plurality of leaf springs".

Re claim 24, see col. 1 line 22.

Re claim 25, see col. 2 lines 67-72.

Re claim 26, see col. 1 lines 58-64, the base may be formed to fit the space in which it is placed, i.e. capable of being captured between parts of an assembly thereby sealing the assembly, see also threaded stud 18 which because it is integral to the spring provides a seal member which seals the spring to the appliance body. Note however that potentially patentable subject matter appears to be present at page 3 lines 23-25 of Applicant's specification.

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Pallini, Jr. et al. (US 6422791).

Pallini, Jr. et al. disclose a spring adapted for rotational action including a first member 25 adapted for attachment to an appliance body member 12, the first member having an open center area to permit an appliance driving member to extend freely therethrough, a second member 22 spaced apart from the first member and adapted to receive a driving member 14, wherein when the driving member moves through a selected range of movement, the second member rotates in response thereto, and at least two leg members 18 connecting the first and second members, wherein when the driving member moves to an end point of its range of movement, having rotated the second member with the leg members attached thereto, the energy stored in the spring thereby tends to return the spring toward its original position.

Re claim 2, see Fig. 1A.

Allowable Subject Matter

5. Claims 3, 5, 10, 14, and 19-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 15 September 2003 have been fully considered but they are not persuasive. Note that Huff includes an open center area in the first member, see Fig. 2.

Regarding Pallini Jr. et al., note that resistance to loading in any direction is disclosed in the thirteenth and fourteenth lines of the abstract.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8: Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A Pezzlo whose telephone number is (703) 306-4617.


The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

BAP
October 19, 2003

BAP
10/19/03


JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600